

Message Text

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ACTION EUR-12

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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 8164
INFO ALL EC CAPITALS
AMEMBASSY MADRID
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY STOCKHOLM

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USEEC
CORRECTED COPY (PARA. 3)
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TAGS: EEC, EFIS, NO, SW, CA, SP
SUBJECT: EC FISHERIES COUNCIL, JULY 24-25

REFS: (A) BRUSSELS 12602, (B) BRUSSELS 8248, (C) BRUSSELS
13146

1. SUMMARY. AGREEMENT ON A COMMON EC FISHING
POLICY CONTINUED TO ELUDE THE EC AGRICULTURE/FISHING
MINISTERS AT THEIR JULY 24-25 FISHING COUNCIL SESSION.
THE COUNCIL, LIKE PREVIOUS ONES IN APRIL (REF A)
AND JUNE (REF B) WAS DOMINATED BY TENSE AND SOMETIMES
ACRIMONIOUS DEBATE BETWEEN UK AGRICULTURE AND FISHERIES
MINISTER SILKIN, ON ONE SIDE, AND THE COMMISSION
AND THE OTHER EIGHT MEMBER STATES ON THE OTHER.
IN A MAJOR PROCEDURAL DISPUTE, THE UK REFUSED TO
PERMIT A DECISION ON A NON-CONTROVERSIAL INTERNAL
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FISHING MATTER TO BE TAKEN BY QUALIFIED MAJORITY VOTE
AS FRG AGRICULTURE MINISTER AND COUNCIL PRESIDENT
ERTL HAD WANTED AND AS IS ENVISAGED IN ARTICLE 43 OF
THE ROME TREATY, ALTHOUGH IN THE END THE U.K. DID
AGREE TO THE DECISION ITSELF. ON EXTERNAL FISHING
POLICY, THE UK BLOCKED THE APPROVAL OF FRAMEWORK
FISHERIES AGREEMENTS WITH NORWAY, SWEDEN AND THE FAROE

ISLANDS BY INVOKING THE LUXEMBOURG COMPROMISE WHICH RECOGNIZES THE RIGHT OF A MEMBER STATE TO VETO PROPOSALS ON GROUNDS OF VITAL NATIONAL INTEREST. HOWEVER, THE COUNCIL DID TAKE SEVERAL POSITIVE ACTIONS, INCLUDING MEASURES AIMED AT RESTRUCTURING THE INSHORE FISHING INDUSTRY AND INSPECTION AND SURVEILLANCE OPERATIONS IN IRISH AND GREENLAND WATERS, AND SET MEMBER STATE CATCH QUOTAS IN FAROESE WATERS AND IN THE NORWEGIAN ECONOMIC ZONE NORTH OF 62 DEGREES. END SUMMARY.

2. IN A MAJOR PROCEDURAL DISPUTE, THE FUNDAMENTAL DIFFERENCE OF OPINION ON COMMUNITY FISHING POLICY BETWEEN THE UK AND THE EIGHT OTHER MEMBER STATES WAS AGAIN UNDERLINED. COMMISSION PROPOSALS FOR ALLOCATION OF SUBSIDIES FOR FISHING SURVEILLANCE IN IRISH AND GREENLAND WATERS HAD BEEN DRAFTED WITH REFERENCE TO ARTICLE 43 OF THE ROME TREATY, WHICH ENVISAGES VOTING IN THE COUNCIL BY QUALIFIED MAJORITY. COUNCIL PRESIDENT ERTL FAVORED VOTING BY QUALIFIED MAJORITY BUT, ALTHOUGH THE UK AGREED IN PRINCIPLE WITH THE PROPOSED ALLOCATIONS, AGRICULTURE AND FISHERIES MINISTER SILKIN, FEARING THE ESTABLISHMENT OF A PRECEDENT, STRONGLY OPPOSED MAJORITY VOTING ON THIS ISSUE OR ANY OTHER DEALING WITH COMMUNITY FISHING POLICY. AFTER A LENGTHY LEGAL WRANGLE, LIMITED OFFICIAL USE

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WHICH VARIOUS COMMENTATORS HAVE DESCRIBED AS CONFUSED AND ACRIMONIOUS, BRITAIN AGREED TO ACCEPT THE PROPOSAL WITH ARTICLE 43 AS ITS LEGAL BASIS BUT ONLY ON THE CONDITION THAT THE RECORD CLEARLY STATE THAT "IN AGREEING TO RECITAL OF ARTICLE 43 IN THIS REGULATION, THE UK INSISTS ON THE RIGHT IN RELATION TO THIS AND OTHER FISHERY REGULATIONS TO INVOKE ITS FUNDAMENTAL NATIONAL INTEREST." COUNCIL PRESIDENT ERTL AND COMMISSION VICE PRESIDENT GUNDELACH ARE BOTH REPORTED TO HAVE COMMENTED THAT THE BRITISH STATEMENT COULD NOT BE CONSIDERED BINDING ON THE COMMISSION OR ON OTHER MEMBER STATES. HOWEVER, AFTER THE MEETING, SILKIN TOLD REPORTERS THAT WITH THE PROBLEM OF ARTICLE 43 SETTLED, THERE REMAINED NO DANGER OF THE UK BEING OUTVOTED ON THOSE ISSUES THAT ARE CLOSE TO ITS HEART. IN SPITE OF THE DIFFICULT DEBATE ON THIS ISSUE, ONE SENIOR PERMDEL SOURCE COMMENTED THAT THE OVERALL TENOR OF THE MEETING WAS IN ANY CASE, LESS CONTENTIOUS THAN PREVIOUS ONES AND FELT THAT THE COUNCIL'S ABILITY TO AGREE ON SOME MINOR POINTS WAS A GOOD SIGN.

3. INTERNAL REGIME

THE PROPOSAL, WHICH GAVE RISE TO THE PROCEDURAL BATTLE, AS FINALLY APPROVED PROVIDES FOR 46 MILLION UNITS OF ACCOUNT (1 U.A. EQUAL \$1.25 APPROXIMATELY) FOR IRELAND AND 10 MILLION UNITS OF ACCOUNT FOR GREENLAND TO BE USED FOR IMPROVING SURVEILLANCE OPERATIONS. THE PROGRAM COVERS THE PERIOD JANUARY 1, 1977 TO DECEMBER 31, 1982. IN ANOTHER INTERNAL FISHING POLICY MATTER, THE COUNCIL AGREED TO A REGULATION ALLOCATING 5 MILLION UNITS OF ACCOUNT IN COMMUNITY FINANCING FOR

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THE IMPROVEMENT OF COASTAL FISHING IN IRELAND AND FISH FARMING IN THE SOUTH OF ITALY.

4. EXTERNAL REGIME

A) AFTER A LONG DISCUSSION, WHICH INVOLVED A TRI-PARTITE WORKING MEETING OF FRANCE, THE UK AND GERMANY, THE COUNCIL APPROVED A REGULATION DISTRIBUTING CATCH QUOTAS AMONG THE MEMBER STATES FOR THE PERIOD AUGUST 1 TO OCTOBER 31, 1978 IN THE NORWEGIAN ECONOMIC ZONE NORTH OF 62 DEGREES FOR COD, HADDOCK, SAITHE, REDFISH, AND GREENLAND HALIBUT. IN A RELATED AGREEMENT, CATCH QUOTAS IN FAROESE WATERS WERE DISTRIBUTED AMONG MEMBER STATES FOR THE PERIOD

AUGUST 1 TO DECEMBER 31, 1978 FOR COD, HADDOCK,
SAITHE, REDFISH, LING, BLUE LING, TUSK AND FLATFISH.

B) THE UK INVOKED THE LUXEMBOURG COMPROMISE FORMULA
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TO VETO FISHING FRAMEWORK AGREEMENTS WITH NORWAY,
SWEDEN AND THE FAROE ISLANDS (REF B). THE SWEDISH
AND FAROESE AGREEMENTS HAD ALREADY BEEN
NEGOTIATED AND SIGNED BY THE COMMISSION, BUT THE
UK ACTION BLOCKS FINAL COUNCIL APPROVAL. THE NORWEGIAN
AGREEMENT, THOUGH NEGOTIATED, HAS NOT YET BEEN
INITIALLED. UK MINISTER SILKIN TOLD REPORTERS AFTER
THE COUNCIL MEETING THAT THERE CAN BE NO FINAL AGREE-
MENT ON FISHING RELATIONS WITH THIRD COUNTRIES UNTIL
THE MAIN PACKAGE OF INTERNAL MEASURES MAKING UP
THE COMMUNITY'S COMMON FISHING POLICY HAS BEEN DETERMINED.
HE POINTED OUT THAT SINCE MOST OF THE SWEDISH,
NORWEGIAN AND FAROESE BOATS PERMITTED UNDER THE PROPOSED
FRAMEWORK AGREEMENTS WOULD BE FISHING IN UK WATERS,
IT WAS ONLY LOGICAL THAT THE UK SHOULD HAVE A VITAL
NATIONAL INTEREST IN THE AGREEMENTS. THE UK VETO
WAS REPORTEDLY CRITICIZED BY ALL MEMBER STATES EXCEPT
FRANCE WHICH, WHILE NOT AGREEING THAT THE UK'S
VITAL NATIONAL INTEREST WAS AT STAKE, FELT OBLIGED
TO UPHOLD THE PRINCIPLE OF THE LUXEMBOURG COMPROMISE,
WHICH HAD BEEN DEvised AT ITS INSISTENCE.

C) THE COUNCIL APPROVED A REGULATION ESTABLISHING
1978 CANADIAN QUOTAS FOR GREENLAND HALIBUT AND NORDIC
SHRIMP IN COMMUNITY WATERS OFF GREENLAND.

D) PENDING THE COMPLETION OF EC-SPANISH FISHING
NEGOTIATIONS (REF B), THE COUNCIL EXTENDED INTERIM
MEASURES APPLICABLE TO SPANISH FISHING IN EC WATERS
UNTIL SEPTEMBER 30, 1978.

5. DEBATE ON UNILATERAL CONSERVATION MEASURES ADOPTED
BY THE U.K. ON JULY 3, 1978 (REF C) WAS SCHEDULED
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FOR THE END OF THE AGENDA BY COUNCIL PRESIDENT ERTL
IN HOPES OF AVOIDING THE EXPECTED ACRIMONIOUS DEBATE
AT THE BEGINNING OF THE COUNCIL. STRONG REMARKS
WERE REPORTEDLY MADE BY FRANCE, DENMARK, THE
NETHERLANDS AND GERMANY DURING THE COUNCIL'S EXAMINATION

OF THE UK MEASURES. THE COMMISSION WAS REQUESTED TO
STUDY THE UK MEASURES FURTHER AND ATTEMPT TO INCORPORATE
THEM IN A PACKAGE OF CONSERVATION MEASURES TO BE
PRESENTED TO THE COUNCIL IN SEPTEMBER.

6. WE NOTE THAT FINANCIAL TIMES REPORTS THAT ON
JULY 28 FISHERIES COMMISSIONER GUNDELACH WROTE THE U.K.
GOVERNMENT TO SAY THAT THE COMMISSION CANNOT
PRESENTLY APPROVE THE BRITISH CONSERVATION MEASURES.
REPORT SAYS GUNDELACH THINKS THAT AT LEAST TWO
OF THE MEASURES SHOULD BE DISCUSSED FURTHER IN THE EC
COUNCIL TO DETERMINE WHETHER THEY ARE IN FACT NECESSARY
AND NON-DISCRIMINATORY AND THAT, IN ANY CASE,
ANY OF THE BRITISH MEASURES WHICH ARE ULTIMATELY
CONSIDERED NECESSARY SHOULD BE ADOPTED ON A COMMUNITY
BASIS. HINTON

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